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10/008,742

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Bernard Iulo

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Philmore H. Colburn II
Cantor Colburn LLP
55 Griffin Road South
Bloomfield, CT 06002

EXAMINER

LU, KUEN S

ART UNIT

PAPER NUMBER

2177

DATE MAILED: 03/16/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/008,742

Applicant(s)

IULO ET AL.

Examiner

Kuen S Lu

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/11-5-01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Abstract

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

1. The abstract of the disclosure is objected to because it recites claims and contains phrases which can be implied, such as "invention". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as anticipated by OEM1 (Oracle®

Enterprise Manager, Concepts Guide, Release 2.0, January 1999, ORACLE®, hereafter "OEM1").

As per claim 1, OEM1 teaches the following:

“a user system, comprising: a workstation; at least one peripheral device in communication with said workstation” at Figs. 1-1, 1-2 and Pages 1-4, 1-5 where tier 2 of Oracle Enterprise Manager (hereafter “OEM”) is the user system having Java Console as networked communication peripheral device;

“at least one software application executable by said workstation” at Fig. 1-1 and Page 1-4 where OEM is the application software;

“a consolidated monitoring tool executable by said workstation” at Fig. 1-1 and Page 1-4 where the Java Console at tier 1 is the consolidated monitoring tool; and

“a database storing information relating to products installed on said user system; and a communications link for allowing said user system to communication with a vendor system” at Figs. 1-1, 1-2 and Pages 1-4, 1-5 where repository installed on the managed nodes at tier 3 is the database storing information relating to products installed on said user system and the networked 3-tier framework is the communication link to communicate with the nodes at the tier 3;

“wherein said consolidated monitoring tool performs diagnostics, tuning, and configuration services to said user system” at Pages 5-1, 5-2, 5-9 and 5-14 where the diagnostics pack, tuning pack and change management pack are bundled to constitute the consolidated monitoring tool.

As per claim 2, OEM1 teaches “consolidated monitoring tool includes: a system monitor application; and an Internet connector application” at Pages 1-1, 1-2 and 5-18 where OEM

is the internet computing architecture system with monitor application integrated with Oracle Internet Directory for internet connector application.

As per claim 3, OEM1 teaches "said system monitor application receives data from said Internet connector application for use in providing configuration services" at Pages 1-4 and 5-14 by running Intelligent Agents and Data Gatherer on the OEM server and managed nodes for processing requests through OEM' integrated application in order to support OEM change management pack to change or configure OEM and applications.

3. Claims 12-14, 18-19, 21-23 and 27-28 are rejected under 35 U.S.C. 102(e) as anticipated by OINS (Oracle8i Installation Guide, Enterprise Edition Release 3 for Windows NT, November, 2000, ORACLE®, hereafter "OINS").

As per claims 12 and 21, OINS teaches the following:

"querying a user system for an inventory of all installed components upon installation of a new component" at Page 5-2, Paragraph "Keyboard Navigation", by inventorying installed products showing in the Inventory window;

"building a database of information relating to said installed components" and at Page 8-2, lines 1-2 by showing the Oracle Universal Installer inventory is the repository of installed products which provides information for de-installation;

"extracting data relating to said new component and vendor" at Page 5-2 by the summary window where components about to be installed are listed;

"connecting to said vendor's web site using said data" at Pages 2-2, Paragraph "Web based installation" and A4, by conducting web based installation where HTTP extension server extension is supported for OEM;

"retrieving product information relating to said new component" at Page 5-2, Paragraph "Keyboard Navigation", by selecting products to be installed by selecting available product components;

"verifying requirements of said new product against existing installed components" at Page 3-11, where the table describing the dependency of Oracle snaps-in components by detecting dependencies and sequence among components based on products and types of installation; and

"configuring said user system based upon said verifying said requirements" at Page 4-2, by configuring database and network environment through verifying the requirement of the environment.

As per claims 13 and 22, OINS teaches "installed components include: software; hardware; and peripheral devices" at Page 1-2, Paragraph "Oracle8i for Windows NT Overview" where the installed components are Java based Oracle Universal Installer installed on a Java Runtime environment for all Java-enabled platforms where installed components are required for the engine and environment.

As per claims 14 and 23, OINS teaches "database of information includes: product name; product release level; product maintenance level; and contact information for said vendor" at Appendix B by showing the product name/release and vendor information, for example, Java Virtual Machine, Legato Storage Manager and Oracle DBA Studio.

As per claims 18 and 27, OINS teaches "configuring is automatically performed" at Pages 4-2 and 4-3 by selecting typical installation where configuration is automatically performed and no user input is required.

As per claims 19 and 28, OINS teaches "configuring is manually performed" at Pages 4-2 and 4-3 where user's extensive input is needed for manually performing configuration.

4. Claims 20 and 29 are rejected under 35 U.S.C. 102(b) as anticipated over OEM2 (Oracle® Enterprise Manager, Getting Started with Oracle Diagnostics Pack, Release 2.2, September, 2000, ORACLE®, hereafter "OEM2").

As per claims 20 and 29, OEM2 teaches the following:

"monitoring activities occurring on an executing application" at Page 1-5 by monitoring system and detecting system problem;

"upon encountering an error, intercepting said error, wherein: if said error is minor: searching a database for said error" at Page 1-5 by noticing the error, being informed by alarms/page/email, and diagnosing the cause of the problem;

"displaying a corresponding explanation of said error for a user via translation tables in said database" at Page 7-3 by displaying the alerts including error code and diagnostic message text; and

"displaying a corresponding set of action items for resolving said error or preventing a future occurrence of said error; and if said error is severe: providing a detailed explanation of said error" at Page 7-3 by displaying the alerts including error code and diagnostic message text; "providing an explanation of a recovery plan underway to correct said error" at Page 7-3, Table 7-3 by showing detailed message of an error event test; and

"connecting to a vendor for further assistance" at Tables 7-4 through 7-42 by reviewing various vendors' event message and resolution description.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over OEM1

(Oracle® Enterprise Manager, Concepts Guide, Release 2.0, January 31, 1999,

ORACLE®, hereafter "OEM1"), as applied to claims 1-3, and in view of OEM3 (Oracle®

Enterprise Manager, Getting Started with Oracle Management Pack for the Oracle

Applications, Release 2.2, September, 2000, ORACLE®, hereafter "OEM3").

As per claim 4, OEM1 teaches consolidated monitoring tool of a system for managing system performance as described in Item 2.

OEM1 does not specifically teach "gathers information relating to a product installed on said user system via an Internet connection to a vendor system associated with said product", though OEM1 teaches Internet connector application gathering information.

However, OEM3 teaches performance manager can monitor where various products are installed, including other vendors' products at Page 3-2.

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine OEM3 reference with OEM1 reference by combining the OEM3's reference with OEM1's because both are directed to the same product and the combination would have allowed users of OEM1 able to monitor where various products are installed, including other vendors' products.

As per claim 5, OEM1 teaches "internet connector application builds a database based upon said information gathered and stores said information in said database" at Page 1-5 by using the repository database.

As to claim 6, OEM3 teaches "information relating to said product includes: product name; product version; product alert; and vendor contact information" at Page 3-2 by showing the Oracle and other vendors' products information which OEM can monitor.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over OEM1 (Oracle® Enterprise Manager, Concepts Guide, Release 2.0, January 31, 1999, ORACLE®, hereafter "OEM1"), as applied to claims 1-3, and in view of OEM4 (Oracle® Enterprise Manager, Getting Started with Oracle Change Management Pack, Release 2.2, September, 2000, ORACLE®, hereafter "OEM4").

As per Claim 7, OEM1 teaches a system comprising a consolidated monitoring tool for managing system performance as described in Item 2.

OEM1 does not specifically teaches the tool to "determines optimum performance values for said user system and configures said user system in accordance with said optimum performance values".

However, OEM4 teaches tracking and making changes to the databases definition for improving performance at Page 1-1.

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine OEM4 reference with OEM1 reference by combining the documents together because both references are directed to the same

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product (OEM) and the combined reference would have allowed OEM users referring to all related functionality in a single volume of guide.

7. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over OEM1 (Oracle® Enterprise Manager, Concepts Guide, Release 2.0, January 31, 1999, ORACLE®, hereafter "OEM1"), as applied to claims 1-3, and in view of OEM2 (Oracle® Enterprise Manager, Getting Started with Oracle Diagnostics Pack, Release 2.2, September, 2000, ORACLE®, hereafter "OEM2").

As per claim 8, OEM1 teaches a system comprising a consolidated monitoring tool for managing system performance as described in Item 2.

OEM1 does not teach "said consolidated monitoring tool performs said diagnostics via: retrieving a detailed description of an error encountered by said user system; and presenting said detailed description to said user system".

However, OEM2 teaches "retrieving a detailed description of an error encountered by said user system" and "presenting said detailed description to said user system" at Page 1-5 by getting an alarm, page or e-mail that the system is not working correctly.

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine OEM2 reference with OEM1 reference because both references are directed to the same product (OEM) and the combined reference would have allowed OEM1 users to retrieve user system error in great detail and present the error status to user for prompt reaction.

As per claim 9, OEM2 further teaches "retrieving a list of action items from said database; and presenting said list to said user system" at Page 1-7, for example, starting

fixing job in the OEM console by defining an event to automatically run a fixit job when the event is triggered.

As per claim 10, OEM2 further teaches "retrieving connection information relating to a vendor associated with an error encountered on said user system" and "connecting to said vendor and retrieving corrective actions from said vendor" at Pages 3-7 and 1-7 by connecting to a discovered service and manually connecting to the service of the vendor, such as Microsoft SQL servers; and "displaying said corrective actions for said user system" at Page 1-5 by diagnosing the cause of the problem on the monitoring tool.

As per claim 11, OEM1 teaches "said diagnostics, said tuning, and said configuration services are performed automatically by said consolidated monitoring tool" at Pages 5-1 and 1-13 by using Oracle Diagnostics, Tuning and Change Management Packs for performing the respective services automatically.

8. Claims 15-17 and 24-26 are rejected under 35 U.S.C. 102(e) as anticipated by OINS (Oracle8i Installation Guide, Enterprise Edition Release 3 for Windows NT, November, 2000, ORACLE®, hereafter "OINS") as applied to claims 12-14, 18-19, 21-23 and 27-28, and in view of OEM2 (Oracle® Enterprise Manager, Getting Started with Oracle Diagnostics Pack, Release 2.2, September, 2000, ORACLE®, hereafter "OEM2").

As per claims 15 and 24, OINS teaches managing computer system performance as described in Item 3.

OINS does not teach "product alerts".

However, OEM2 teaches "product information includes: product alerts" at Page 7-1 by providing warnings and alerts conditions.

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine OEM2 reference with OINS reference by combining the documents together because both references are directed to the enterprise management system monitoring and the combined reference would have allowed OEM users equipped with functionality of system error diagnostics.

OEM2 further teaches the following:

"product maintenance level" at Page 7-3 where archiver hung is the product maintenance level; "current message translation tables" at Page 7-3 by showing record of alert message ORA-00257; and "diagnostic information" at Page 7-3 where 'archiving is hung' is the diagnostic information.

As per claims 16 and 25, OEM2 further teaches "message translation table includes: warning flags; error symptom strings; expanded text;" at Page 7-4 where data block corruption is event with warning flags ORA-01578, ORA-27048 and ORA-01157 are translated into brief and expanded strings of text, and "wizards" at Page xv by showing various wizards of OEM diagnostics pack, including capacity planner displaying trend analysis wizard at Page 4-39.

As per claims 17 and 26, OINS teaches verifying requirements at Pages 3-3 by showing requirements of memory for components installation.

OINS does not specifically teach determining available memory.

However, OEM2 teaches "determining available memory" at Fig. 3-2 and Pages 3-10 by monitoring the available memory.

It would have been obvious to one having ordinary skill in the art at the time of the

applicant's invention was made to combine OEM2 reference with OINS reference because both reference are directed to enterprise system management and the combined reference would have allowed OINS users not only monitor system resource utilization, but also have clear concepts on available resources at the beginning of software installation so that installation process could start only after knowing resources are there.

Conclusions

9. The prior art made of record

- U. Oracle® Enterprise Manager, Concepts Guide, Release 2.0, January 1999, ORACLE®
- V. Oracle8i Installation Guide, Enterprise Edition Release 3 for Windows NT, November, 2000, ORACLE®
- W. Oracle® Enterprise Manager, Getting Started with Oracle Diagnostics Pack, Release 2.2, September, 2000, ORACLE®
- X. Oracle® Enterprise Manager, Getting Started with Oracle Management Pack for the Oracle Applications, Release 2.2, September, 2000, ORACLE®
- Y. Oracle® Enterprise Manager, Getting Started with Oracle Change Management Pack, Release 2.2, September, 2000, ORACLE®

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

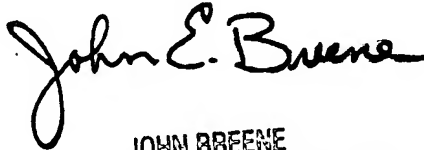
- A. U.S. Patent 5,655,081

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S Lu whose telephone number is 703-305-4894. The examiner can normally be reached on 8 AM to 5 PM, Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

KL

Patent Examiner

March 5, 2004


JOHN BREENE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100